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## **AGENDA**

### **SPECIAL MEETING AND WORK SESSION OF THE CITY COUNCIL**

**6:00 PM**

**FEBRUARY 18, 2013**

**ADDISON SERVICE CENTER, 16801 WESTGROVE DRIVE,  
ADDISON, TX 75001**

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Item #S1 - Discussion regarding the City Council's processes, procedures, and policies for working together and conducting the Town's business.

Attachment(s):

1. Council Rules of Procedure and Ethics Policy
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Adjourn Meeting

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Posted:  
Chris Terry, 2/15/13, 5:00 PM

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS  
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST  
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

## **Council Agenda Item: #WS5**

### **AGENDA CAPTION:**

Discussion regarding the City Council's processes, procedures, and policies for working together and conducting the Town's business.

### **FINANCIAL IMPACT:**

N/A

### **BACKGROUND:**

This is a meeting with Randy Pennington as discussed in prior work sessions.

### **RECOMMENDATION:**

### **COUNCIL GOALS:**

Identify opportunities for improved governance

### **ATTACHMENTS:**

Description:

 [Council Rules of Procedure and Ethics Policy](#)

Type:

Backup Material

## **CITY COUNCIL PROCEDURES**

### **SECTION 1. MEETINGS**

Three types of meetings are recognized:

- A. Regular Meetings will be held on the second and fourth Tuesday of each month. Meetings will be held at Town Hall in the Council Chambers commencing at 7:30 p.m., unless otherwise posted.
- B. Special Meetings are subject to call by the Mayor, City Manager, or three members of the City Council with written notice to the City Secretary. These meetings will be held at Town Hall unless otherwise posted, at a stated time.
- C. Work Session Meetings are subject to call by the Mayor, City Manager, or three members of the City Council with written notice to the City Secretary. The time, place, and purpose will be stated in each instance. Ordinarily, no official Council action will be taken at a work session meeting.

### **SECTIONS 2. AGENDAS**

The following procedures relate to the agenda for meetings of the Council.

- A. The Mayor, working with the City Manager, will determine what items of business should come before the Council. If, at a meeting of the Council, a member of the Council (i.e., the Mayor and each Council member) or the public inquires about a subject for which notice has not been given as required by law, only the following may be provided unless otherwise allowed by law: (1) a statement of specific factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Unless otherwise allowed by law, any deliberation of or decision about the subject of such inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
- B. Any Council member may ask the Mayor to place an item on the agenda for discussion.
- C. An item may be placed on the agenda at the request of two or more Council members. The Council members requesting the agenda item may present or participate in the presentation of the item at the meeting. Any Town staff assistance should be requested through the City Manager's Office. Such agenda items must reach the City Secretary's office at Town Hall by 1:00 p.m., Tuesday, of the week preceding the meeting for which the request is made.
- D. Any member of the Town staff wishing to have an item placed on the agenda shall submit that item to the City Manager's Office for approval. The City Manager may establish procedures for submission of routine items without his approval.

E. The agenda packets for all Regular Meetings will be delivered electronically by Town staff to members of the Council no later than the Thursday preceding the meetings.

F. The City Secretary's office is responsible for seeing that notices for all meetings of the Council comply with the Open Meetings Law.

### SECTION 3. COUNCIL MEETING PROCEDURES

The Council will use the following procedures as a general guide for parliamentary procedure, and may consult Robert's Rules of Order as a guide in instances not addressed by these procedures.

A. The Mayor shall be the presiding officer at all meetings. The Mayor Pro-Tempore shall preside at meetings in the absence of the Mayor, and the Deputy Mayor Pro-Tempore shall preside at meetings in the absence of the Mayor Pro-Tempore.

B. The Mayor shall have a voice in all matters before the Council and may vote on all matters.

C. When an item is presented to the Council, the Mayor (or presiding officer) shall recognize the appropriate individual to present the item. When two or more members are presenting an item, the Mayor shall choose which member is to speak first.

D. The Mayor (or presiding officer) shall preserve order and shall require Council members engaged in debate to limit discussion to the question under consideration.

E. The Mayor (or presiding officer) will give all members of the Council a full opportunity to speak on an item.

F. Should a conflict arise between Council members, the Mayor (or presiding officer) shall serve as the mediator.

G. The Mayor shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. If the Mayor is absent, the Mayor Pro-Tempore, and in the absence of the Mayor Pro-Tempore the Deputy Mayor Pro-Tempore, shall be so recognized.

H. Members of the Council shall confine their remarks to the item under consideration and shall avoid references to personality, integrity, or motives of any other members of the Council or Town staff members.

I. Any Council member may ask the Mayor (or presiding officer) to enforce the procedures established by the Council. Should the Mayor (or presiding officer) fail to do so, a majority of the Council may direct him/her to enforce the procedures.

### SECTION 4. CODE OF CONDUCT FOR MAYOR AND COUNCIL MEMBERS

A. During Council meetings, Members of the Council shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the Mayor (or presiding officer) or the rules of the Council. Members of the Council shall demonstrate respect and courtesy to each other, Town staff members, and citizens appearing before the Council. Members of the Council shall refrain from rude and derogatory remarks.

B. The Mayor and Council members should comply with the Town's Code of Ethics (included in Chapter 2, Article III, Division 2 of the Town's Code of Ordinances and attached hereto as Appendix A) and with all conflict of interest laws.

C. In accordance with the Town's Code of Ethics and with applicable law, the Mayor and Council members shall abstain from participating in or voting on items in which they have a conflict of interest as set forth in the Code of Ethics or applicable law. If the Mayor or a Council member has such a conflict of interest, he or she shall file a "Conflict of Interest Affidavit" with the City Secretary's office. Upon introduction of the agenda item in which the Mayor or Council member has a conflict of interest, the Mayor or Council member should announce that he or she has a conflict of interest, and must refrain from participation in or voting on the agenda item, but shall not be required to leave the meeting room.

#### SECTION 5. CITIZEN PARTICIPATION AT MEETINGS

A. The Council is, in certain instances (e.g., changes in zoning), required to hold public hearings. If an item is identified on the agenda of a Council meeting as a public hearing, persons attending the Council meeting will be given the opportunity to speak regarding the item after being recognized by the Mayor (or presiding officer). The Mayor (or presiding officer) may set time limits on persons who speak at a public hearing.

B. Except as set forth in paragraph A of this Section, as a general rule, persons attending a meeting of the Council may not participate in the discussions of the Council.

#### SECTION 6. COUNCIL AND STAFF RELATIONS

A. Members of the Council should attempt to ask questions to the City Manager about the Council agenda packet issued for a Council meeting prior to the meeting. This will allow the Town staff time to respond to the Council member's questions and, if necessary, to provide additional information to all members of the Council.

B. The City Manager shall designate the appropriate Town staff member to address each agenda item and shall see that each presentation informs the Council on the issues which require Council action. The presentations should be professional and timely, and should list options available for resolving any issue.

C. The City Manager is directly responsible for providing information to all members of the Council concerning any inquiries by a specific member of the Council.

Should the City Manager find his or his staff's time being dominated by a single member, he should inform the Mayor of the concern.

D. Any conflicts between the staff and the Council will be addressed by the Mayor and the City Manager.

E. The City Manager is responsible for the professional and ethical behavior of himself and his staff. He is also responsible for seeing that his staff remains educated and informed on the issues facing municipal government.

F. All members of the Council and Town staff members shall show respect and courtesy to each other and citizens at all times.

G. The City Manager is responsible for seeing that all newly (first time) elected members of the Council are provided with a thorough orientation on Town staff procedures, municipal facilities, and other information of interest to municipal officials.

#### SECTION 7. COUNCIL AND MEDIA RELATIONS

A. Agenda packets shall be provided upon request to all interested news media in advance of the Council meetings.

B. Responses to media inquiries concerning Town matters will be made as determined by the Mayor (or Mayor Pro-Tempore in the absence of the Mayor, or in the absence of the Mayor Pro-Tempore, the Deputy Mayor Pro-Tempore) and the City Manager.

## **APPENDIX A**

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE III. - OFFICERS AND EMPLOYEES  
DIVISION 2. - CODE OF ETHICS

**DIVISION 2. - CODE OF ETHICS <sup>[8]</sup>**

<sup>(8)</sup> **Charter reference**— Restrictions on acceptance of gifts, § 11.01; prohibited interests in contracts, § 11.02.

[Sec. 2-91. - Definitions.](#)

[Sec. 2-92. - Policy.](#)

[Sec. 2-93. - Standards of conduct.](#)

[Sec. 2-94. - Prohibition on conflict of interest.](#)

[Sec. 2-95. - Restrictions on former town officers and employees.](#)

[Sec. 2-96. - Accepting employment from an entity regulated by town prohibited.](#)

[Secs. 2-97—2-115. - Reserved.](#)

**Sec. 2-91. - Definitions.**

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means a board, commission or committee which is established by town ordinance, town Charter, interlocal contract or state law and any part of whose membership is appointed by the city council.

*Business entity* or *entity* mean a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized in law.

*Employee* means a person employed or paid a salary by the town on a full-time basis excluding officers.

*Incidental interest* means an interest in a person, entity or property which is not a substantial interest and which has insignificant value, or which would be affected only in a de minimis fashion by a decision. This division does not establish dollar limits on the terms "insignificant value" and "de minimis," which shall have their usual meanings and be subject to interpretation on a case by case basis.

*Interest* or *benefit* means anything reasonably regarded as economic gain or economic advantage, other than incidental or remote interests. The term applies to the official and also to any person who is related to such official within the second degree by consanguinity or affinity.

*Officer* means the mayor and members of the city council.

*Official* means officers, employees and members of any board which is established by



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town ordinances, town charter, interlocal contract, or state law and any part of whose membership is appointed by the city council.

*Remote interest* means an interest of a person or entity, including an official who would be affected in the same way as the general public. The interest of a councilmember in the property tax rate, general town fees, town utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the councilmember would be affected in common with the general public.

(Code 1982, § 2-2)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 2-92. - Policy.**

(a) It is hereby declared to be the policy of the town that the proper operation of democratic government requires that:

- (1) Officials be independent, impartial and responsible only to the people of the town;
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No official have any interest, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;
- (4) Public office not be used for personal gain;
- (5) The city council at all times be maintained as a nonpartisan body; and
- (6) Officials fully comply with state statutes, as amended, concerning conflicts of interest.

(b) To implement this policy, the city council has determined that it is advisable to enact this code of ethics for all officials, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the town's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(Code 1982, § 2-3)

**Sec. 2-93. - Standards of conduct.**

No official shall:

- (1) Accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise which he knows or should know is being offered or given with the intent to unlawfully influence such person in the discharge of official

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duties, or in return for having exercised or performed official duties.

**State law reference—** Bribery, V.T.C.A., Penal Code § 36.02; gift to public servant by person subject to his jurisdiction, V.T.C.A., Penal Code § 36.08.

(2) Use his official position to secure special privileges or exemptions for himself or others.

(3) Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. (This shall not prohibit the granting of fringe benefits to town employees as part of their contract of employment or as an added incentive to the securing or retaining of employees).

(4) Disclose information deemed confidential by law that could adversely affect the property or affairs of the town, or directly or indirectly use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.

(5) Transact any business on behalf of the town in his official capacity with any entity with which he is an officer, agent or member or in which he has an interest. In the event that such a circumstance should arise, no violation of this subsection occurs if he shall make known his interest, and:

a. In the case of an officer or board member, refrain from discussing the matter at any time with members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or

b. In the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.

(6) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the town, or which might impair his independent judgment in the performance of his public duty.

(7) Personally provide services for compensation, directly or indirectly, to a person, entity or organization who is requesting an approval, investigation, or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.

(8) Receive any fee or compensation for his service as an officer or employee of the town from any source other than the town, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the town if there is no conflict with his town duties and responsibilities.

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(9) In the case of a member of the city council or an employee, personally represent, or appear in behalf of, the private interests of others:

- a. Before the city council or any town board or department;
- b. In any proceeding involving the town; or
- c. In any litigation to which the town is a party.

(10) In the case of a board member, personally represent, or appear in behalf of, the private interests of others:

- a. Before the board of which he is a member;
- b. Before the city council;
- c. Before a board which has appellate jurisdiction over the board of which he is a member; or
- d. In litigation to which the town is a party if the interests of the person being represented are adverse to the town and the subject of the litigation involves the board on which the board member is serving or the department providing support services to that board.

(11) Use his official position or town-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, postage facilities, long-distance telephone services or any other resources for private purposes, personal advantage, pecuniary gain for such official or for others or for any political campaign for himself or others. However, this shall not prohibit an official from using his official position to promote or encourage economic development and businesses within the town, provided (a) the official, and any person related to the official within the second degree by consanguinity or affinity, does not receive a benefit from such promotion or encouragement, and (b) the promotion or encouragement of economic development and businesses is not for the purpose of promoting, and does not promote, other than incidentally, the official or any person related to the official within the second degree by consanguinity or affinity

(12) Use the prestige of his position with the town in behalf of any political party.

(13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of valid town ordinances, rules or regulations or the achievement of official town programs.

(14) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the town or that reflects discredit upon the government of the town.

(Code 1982, § 2-4(a)—(n))

**Charter reference—** Prohibited interests in contracts, § 11.02.

**Sec. 2-94. - Prohibition on conflict of interest.**

An official may not participate in a vote or decision on a matter affecting a person, entity or property in which the official has an interest. In addition, an official who serves as a corporate officer or member of the board of directors of a nonprofit entity which is not appointed by the city council may not participate in a vote or decision regarding funding by or through the town for the entity. Where the interest of an official in the subject matter of a vote or decision is remote or incidental, such official may participate in the vote or decision and need not disclose the interest.

(Code 1982, § 2-5)

**Sec. 2-95. - Restrictions on former town officers and employees.**

(a) When used in this section, the terms "before the town" shall mean before any official of the town.

(b) When used in this section, the term "represent" shall include all communications with and appearances before the town in which the town is asked to make a decision, as that term is defined in this chapter. The term "represent" does not include communications and appearances involving only ministerial action on the part of the town.

(c) When used in this section, the term "case, project or matter" shall refer to specific cases, projects or regulatory matters, rather than generic policies, procedures or legislation of general application. For instance, the zoning process or site plan review process is not a "case, project or matter" within the meaning of this section; however, a specific zoning case or site plan would constitute a "case, project or matter" subject to the restrictions imposed in this section. It is not the intent of this division, and this division shall not be construed, to proscribe the practice of any profession or occupation by former town officials and employees other than before the town and as provided in section 2-96

(d) An employee in a position which involves significant decision-making, advisory, or supervisory responsibility, or an officer who leaves the service or employment of the town shall not, within 12 months after leaving that employment or service, represent any other person or entity in any formal or informal appearance, if the officer or employee has received or shall receive remuneration from the person, entity or members of the entity being represented:

(1) Before the town concerning a case, project or matter over which the person exercised discretionary authority as an employee or officer; or

(2) Before any other agency on a case, project or matter over which the person exercised discretionary authority as an employee or officer.

(e) A former employee or officer who is subject to the requirements of subsection (d) of this section shall, during the 24 months after leaving the service or employment of the

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town, disclose his previous position and responsibilities with the town and the work performed, if any, as an employee or officer regarding the matter for which he is appearing before the town whenever he represents any other person or entity in any formal or informal appearance before the town.

(f) In any formal or informal appearance before the town, a person representing a person or entity which employs a former officer or employee who had discretionary authority over the project or matter for which the person or entity is appearing before the town shall disclose any former involvement of such former officer or employee in the project or matter. This disclosure requirement shall be in effect for 24 months after the former officer or employee leaves town service or employment.

(g) No employee or officer shall approve or vote to approve any oral or written contract for land services, supplies or materials between the town and either a former employee or officer or an entity which employs such former employee or officer during the 12-month period following such former employee's or officer's departure from the town's employment or service. Notwithstanding the foregoing, upon a finding by the city council that the economic or other benefit to the former employee or officer is minimal or insignificant, the city council may vote to waive the prohibition contained in this subsection.

(Code 1982, § 2-6)

**Sec. 2-96. - Accepting employment from an entity regulated by town prohibited.**

An employee in a position which involves significant reporting, decision-making, advisory, regulatory or supervisory responsibility who leaves the service or employment of the town shall not, within six months after leaving that service or employment, seek or accept employment from an entity which had appeared for formal action or decision before the body of which such employee was a member or which had been subject to the employee's regulation or inspection during such employee's employment with the town.

(Code 1982, § 2-7)

**Secs. 2-97—2-115. - Reserved.**